

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALLIANCE OPHTHALMOLOGY, PLLC;
DALLAS RETINA CENTER, PLLC;
TEXAS EYE AND CATARACT, PLLC;
AND HOFACRE OPTOMETRIC
CORPORATION, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

ECL GROUP, LLC; ECL HOLDINGS,
LLC; EYE CARE LEADERS HOLDINGS,
LLC; EYE CARE LEADERS PORTFOLIO
HOLDINGS, LLC; INTEGRITY EMR,
LLC; INTEGRITY EMR HOLDINGS, LLC;
ALTA BILLING, LLC; AND ALTA
BILLING HOLDINGS, LLC,

Defendants.

1:22-CV-00296

KIMBERLY FARLEY, CHAD
FORRESTER, AND KIMBERLY
SANDVIG, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

EYE CARE LEADERS HOLDINGS, LLC,

Defendant.

1:22-CV-00468

DECLARATION OF BRIAN YOUNG REGARDING STATUS OF DISTRIBUTION

I, Brian Young, hereby declare and state as follows:

1. I am a Senior Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Court-appointed Settlement Administrator for the above captioned cases. I have more than seven (7) years of experience managing all aspects of settlement administrations. Prior to joining Epiq in 2017, I received my Bachelor of Business Administration degree from the University of Wisconsin.

DECLARATION OF BRIAN YOUNG REGARDING STATUS OF DISTRIBUTION

2. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq, and if called on to do so, I could and would testify competently thereto.

3. I submit this declaration according to the Memorandum Opinion, Order, and Final Judgement issued by the Court on June 27, 2024, which required no later than November 25, 2024, the Settlement Administrator file a status report detailing the amounts distributed and for what purpose and any funds remaining.

SETTLEMENT FUND

4. Per the Settlement Agreement §3.1, the Physician Qualified Settlement Fund is entitled to a payment of at least \$1,460,449.50 and the Patient Qualified Settlement Fund is entitled to a payment of at least \$2,616,783.00. Additionally, Defendants were to deposit any additional funds that become available into the Physician Settlement Fund.

5. Epiq received a \$1,492,924.03 deposit of proceeds from Defendants' insurance policies into the Physician Settlement Fund. The total amount received was over the minimum required by the Settlement Agreement by \$32,474.53.

6. Epiq received a \$2,616,783.00 deposit of proceeds from Defendants' insurance policies into the Patient Settlement Fund.

ATTORNEYS' FEES

7. On September 9, 2024, Epiq completed payment of attorneys' fees and expenses from the Physician Settlement Fund for Counsel for the Physician Settlement Class in the amount of \$490,919.47, and payment of attorneys' fees and expenses from the Patient Settlement Fund for Counsel for the Patient Settlement Class in the amount of \$872,173.77.

SERVICE AWARDS

8. On October 24, 2024, Epiq completed payment of service awards to physician class representatives a total of \$190,000.00.

9. On October 17, 2024, Epiq completed payment of service awards to patient class representatives a total of \$5,000.00.

CLAIMS PROCESSING AND VALUATION

10. As of the deadline for Settlement Class Members to file a claim of July 24, 2024, Epiq received and processed a total of 205 Physician Claim Forms through the website and by mail. A total of 76 Physician Claim Forms were denied due to uncurable defects consisting of Physician Claim Forms submitted by a non-Physician Class Member or duplicate filings. There were no Physician Claim Forms received with curable defects and no Physician Claimants were sent a defect letter. After processing, there are a total of 129 Physician Claimants eligible for a Benefit Payment.

11. Also, as of the deadline for Settlement Class Members to file a claim of July 24, 2024, Epiq received a total of 8,905 Patient Claim Forms through the website and by mail, including 398 Patient Claim Forms that claimed reimbursement for out-of-pocket expenses. Epiq processed all Patient Claims Form received and sent 190 defect letters to Claimants that had incomplete, curable claims. After processing defect responses, there were a total of 8,764 Patient Claim Forms eligible for payment including 20 entitled to reimbursement of out-of-pocket expenses. Epiq substantiated the value of out-of-pocket expenses using the supporting documentation provided by Claimants and adjusted the award value per the terms of the Settlement Agreement, which resulted in a total of \$8,052.50 in out-of-pocket awards, with a range of amounts between \$18.98 and \$1,132.52.

AWARD CALCULATIONS

Physician Settlement Fund Awards

12. After payment of Physicians' Attorney fees and expenses, service awards, and \$125,378.63 in administrative expenses and \$18,987.69 in total future anticipated administrative expenses, there remained a Net Settlement Fund of \$672,512.94 available for Physician Class Member Cash Benefit Payments.

13. The value of the Physician Claimant awards was determined by divided the Net Settlement Fund of \$672,512.94 evenly between the 129 Physician Claimants that submitted a Physician Claim Form eligible for payment, resulting in a *pro rata* award amount of \$5,213.27 for each Physician Claimant.

Patient Settlement Fund Awards

14. After payment of Patients' Attorney fees and expenses, service awards, and \$400,817.41 in administrative expenses and \$157,821.50 in total future anticipated administrative expenses, there remained a Net Settlement Fund of \$1,288,407.61 available for Patient Class Member Cash Benefit Payments.

15. The value of the Patient Claimant Class Member Cash Benefit Payments was determined by first reserving \$8,052.50 for the total value of all substantiated out-of-pocket expenses, then the remaining \$1,280,355.11 was divided evenly between the 8,764 eligible Patient Claimants, resulting in a *pro rata* award amount of \$146.09 for each Patient Claimant. For the Patient Claimants entitled to out-of-pocket awards, the additional values of the substantiated out-of-pocket expenses were then added to the associated Patient Claimants' \$146.09 *pro rata* awards, which resulted in a range of payments between \$165.07 and \$1,278.61.

DISBURSEMENT

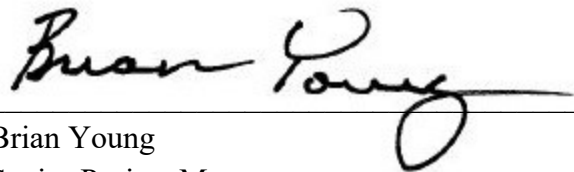
16. On December 13, Epiq is scheduled to mail checks to the 129 Physician Claimants entitled to a Cash Benefit Payment on December 13.

17. Epiq is also scheduled to mail award checks to 37 Patient Claimants entitled to a Benefit Payment that did not provide a valid email address but did provide a valid postal address on December 13. Additionally, Epiq is scheduled to send 8,730 electronic payment emails to the remaining Patient Claimants, which will include their award amount and a link to the website where they can make their payment method selection.

18. In compliance with the Settlement Agreement §3.11 and the Court's June 27, 2024, Memorandum Opinion, Order, and Final Judgement all initial award checks will be disbursed with a 120-day stale date. If a Cash Benefit Payment is returned as undeliverable and if an email was provided with the Claim Form, Epiq shall send an email to the Claimant in an attempt to obtain a current address. If obtained within 90 days after the initial disbursement, Epiq will mail the Cash Benefit Payment to the new address.

19. Epiq will provide a supplemental report regarding any residual funds for both Qualified Settlement Funds to Parties, so that Parties can assess whether a second-round disbursement is economically feasible for each Class.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 25, 2024.

A handwritten signature in black ink, appearing to read "Brian Young", is written over a horizontal line.

Brian Young
Senior Project Manager
Epiq Class Action & Claims Solutions, Inc.